

**LAW OFFICES OF BRONZE & TANG**

**A Professional Corporation**

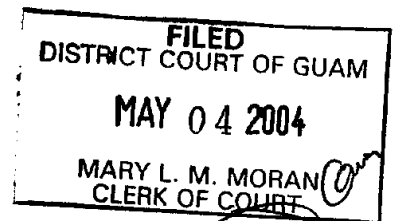
BankPacific Building, 2<sup>nd</sup> Floor

825 South Marine Drive

Tamuning, Guam 96913

Telephone No.: (671) 646-2001

Facsimile No.: (671) 647-7671



*Attorneys for Defendant The Hongkong and Shanghai Banking Corporation Ltd.*

IN THE DISTRICT COURT OF GUAM

ALAN SADHWANI, LAJU  
SADHWANI, and K. SADHWANI'S  
INC., a Guam corporation,

Plaintiffs,

v.

HONGKONG AND SHANGHAI  
BANKING CORPORATION, LTD.,  
et al.,

Defendants.

CIVIL CASE NO. 03-00036

**DECLARATION OF JACQUES G.  
BRONZE IN SUPPORT OF *EX PARTE*  
APPLICATION FOR  
RECONSIDERATION OF ORDER  
DENYING STAY OF  
ALL DEPOSITIONS PENDING  
DETERMINATION OF ITS MOTION  
TO STRIKE THE FIRST AMENDED  
COMPLAINT IN WHOLE OR IN  
PART, OR, IN THE ALTERNATIVE,  
MOTION TO DISMISS THIRD AND  
SIXTH CAUSES OF ACTION AND  
SANCTIONS**

**I, JACQUES G. BRONZE**, do hereby declare as follows:

1. I am over the age of eighteen (18) years and competent to make this Declaration.

I have personal knowledge of the matters stated herein and would be competent to testify thereto at any proceedings.

2. I am admitted to practice before this Court and am counsel responsible for the representation of Defendant The Hongkong and Shanghai Banking Corporation Limited ("HSBC"). A good faith effort has been made by counsel to advise counsel for Plaintiffs of the

substance of HSBC's *Ex Parte* Application for Reconsideration of Order Denying Stay All Depositions Pending Determination of HSBC's Motion to Strike ("Ex Parte Application"). Copies of all pleadings relating to the *Ex Parte* Application and Motion will be served upon Plaintiffs' counsel upon filing with this Court. The date and time the Court will consider the *Ex Parte* Application is not yet known. However, as soon as such information is made available to my office we will advise Plaintiffs' attorneys.

3. It is expected that counsel for Plaintiffs will oppose the *Ex Parte* Application and will desire to be present if and when the *Ex Parte* Application is either presented to or entertained by the Court.

4. It is important and urgent that this Application be heard as soon as possible because Plaintiffs have noticed three (3) depositions, currently scheduled for May 5<sup>th</sup>, 7<sup>th</sup> and the 10<sup>th</sup>, 2004. Plaintiffs are also seeking to conduct two depositions in Hong Kong, at great expense to the parties. In the event that this Court grants HSBC's Motion to Strike, the First Amended Complaint in its entirety will be dismissed and none of the depositions will be necessary. On the other hand, the Court may grant the Motion to Strike in part and/or Dismiss in whole or part causes of action three and six of the First Amended Complaint. Under either circumstance, the scope and nature of Plaintiffs' claim will be altered which may affect the scope of discovery permissible in this case. Moreover, since HSBC has not filed an Answer, no depositions should be permitted.

5. HSBC has requested that counsel for Plaintiffs stipulate to the entry of an Order staying all depositions pending a decision on the Motion to Strike and/or Dismiss, but Plaintiffs have refused. Due to the imminent depositions and the issued letters of request for depositions to be conducted in Hongkong on dates presently unknown, HSBC has no other alternative than to apply to this Court for ex parte relief.

6. This Declaration is made in compliance with Local Rule 7.1(j)(1).

I declare under penalty of perjury under the laws of the United States and Guam that the foregoing is true and correct.

Dated this 4th day of May, 2004.

  
\_\_\_\_\_  
JACQUES G. BRONZE